

# Akron hopes to get judge's OK of revised sewer plan

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AKRON — The city of Akron will try again to get a federal judge to approve a new plan to reduce its overflowing sewers, which foul the Cuyahoga and Little Cuyahoga rivers and the Ohio & Erie Canal.

The revised plan has a big price tag: \$890 million, and sewer rates could triple or even quadruple to pay for the improvements, officials said.

The city announced on Thursday that it had reached an agreement on a new sewer cleanup plan with the U.S. Environmental Protection Agency.

"This is a significant step in solving Akron's combined sewer overflows and resolving the pending litigation," the city said in a statement. The new plan "imposes a significant increase in costs of implementation."

Final financial impacts on sewer rates won't be known until the agreement wins approval, the city said.

The two sides had agreed on the revised plan on Nov. 16, but

the details of that agreement were not publicly released, said Akron spokeswoman Stephanie York.

The negotiated plan — known as the Long Term Control Plan Update — must still be approved by the Ohio EPA and by U.S. District Judge John Adams.

The Ohio EPA has scheduled a public hearing on the plan at 6 p.m. Feb. 29 at the Akron-Summit County Public Library, 60 S. High St., Akron.

The agency must still approve the revised plan, a step that is expected to occur, according to the parties involved.

The Ohio EPA has been actively involved in the negotiations to resolve the Akron sewer stalemate.

Then the revised plan — approved by Akron and the state and federal EPAs — would be re-submitted this spring to Adams, who last March rejected a proposed cleanup plan for Akron's sewers.

Akron is "cautiously optimistic" that Adams will approve the revised plan, York said in a telephone interview.

In rejecting the previous agreement, Adams said he wanted the

cleanup speeded up, saying the agreement in place gave Akron too much time to complete the sewer work. He also complained that the pollution affected water quality in the Cuyahoga River in the Cuyahoga Valley National Park.

The city of Akron and the U.S. Justice Department had appealed Adams' decision to the 6th Circuit Court of Appeals in Cincinnati. That appeal is pending.

The case was expected to come to a civil trial in three phases before Adams, but the legal action was delayed by the pending appeal.

Akron was not happy with Adams' 2011 decision.

At the center of the case are Akron's 34 remaining combined sewers that dump raw, untreated sewage into local waterways after heavy rains and snow melts.

Up to 2 billion gallons of untreated or partially treated sewage annually end up in local waterways from Akron's combined sewer overflows or CSOs.

About 30 percent of Akron's sewer system that serves 328,000 people in Akron and 13 suburbs

has combined sewers.

Akron is among 700 U.S. cities with sewer overflows, an issue that has been a federal EPA priority since 1998. The Cleveland area, Columbus and Cincinnati are dealing with similar issues.

In its original plan, Akron has proposed building two underground tunnels to store sewer overflows, plus 10 concrete storage basins around the city to control the overflows that result in high bacteria counts and the threat of pathogens that can cause disease.

Those elements are still part of the latest plan, said Akron Service Director Rick Merolla.

The plan also gives the city up to 18 years to comply. That timetable was an issue earlier with Adams.

"Frankly, we aren't sure that everything can be engineered and built any faster," Merolla said.

The biggest change is that the new plan offers "much more detail" than the earlier plan, he said. "This one really is a plan."

Adams had expressed concern over the lack of detail in the first plan.

Merolla said the plan calls for zero untreated overflows to the local waterways after rains in a typical year.

In a rainy year like 2011, there would still be overflows to the streams under the latest plan, he said.

In 2002, Akron had worked out a sewer plan with the Ohio EPA, but that plan was killed by the U.S. EPA.

The city has moved forward with three sewer projects including Rack 40 on the Little Cuyahoga River north of Memorial Parkway that captures 30 percent of the sewer overflow. The concrete tanks cost \$23 million.

Said Akron Mayor Don Plusquellic, "In the preceding nine years since the U.S. EPA rejected the agreed plan developed by the city and the Ohio EPA, millions of dollars in legal fees have been spent. Yet the end result is essentially the same plan we proposed in 2002, which unfortunately costs more.

"The city's proposed plan in 2002 would have cost \$375 million. That same plan today will cost us \$522 million," he said in a

statement.

Merolla said the total estimated cost of the latest plan, adding in long-term operating and capital needs that the city must fund, is \$890 million.

"The rates necessary to cover this cost will be three to four times the current rates we are paying," Merolla said.

The city is investigating alternative funding techniques and other measures to reduce costs, the city said.

"Unfortunately, despite all our requests for consideration, affordability is not a criterion that is important to the EPA," he said. "And, although there will be less sewer overflows going into the Cuyahoga River as a result of this plan, the river is polluted before it enters Akron and again after it leaves. It won't, and can't, be perfectly clean."

*The revised plan and related documents are available for public review at the Ohio EPA's Northeast Ohio regional office, 2110 E. Aurora Road, Twinsburg. Call 330-963-1200 for more information.*